

**MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY**  
**NOTICE OF PROPOSED RULEMAKING**  
**NOTICE OF PUBLIC HEARING**  
**PUBLIC NOTICE START DATE: June 15, 2007**

PLEASE TAKE NOTE that the Mississippi Commission on Environmental Quality ("Commission") is considering a Revision to the State Implementation Plan for Air Pollution Control (SIP Revision) and amendments to state air pollution control regulation entitled "Regulations for the Prevention of Significant Deterioration of Air Quality", APC-S-5. The proposed SIP Revision and regulation amendments will be applicable statewide.

The proposed SIP Revision involves the addition of clarifying language confirming that the Mississippi Department of Environmental Quality (MDEQ) is complying with the provisions of section 110(a)(2)(D)(i) of the Clean Air Act with respect to the Prevention of Significant Deterioration air permitting program and plans for implementing federal regional haze regulations promulgated by the U.S. Environmental Protection Agency (USEPA).

The SIP Revision includes:

A. Proposed amendments to "Regulations for the Prevention of Significant Deterioration of Air Quality", APC-S-5 to adopt, by reference, federal regulations as promulgated in 40 CFR Parts 51.166 and 52.21 in order to make the state regulations consistent with the federal requirements.

B. Proposed language to clarify that concerning the federal regional haze regulations, MDEQ can not assess whether there is any interference with measures designed to protect visibility in any applicable SIP for any other state until regional haze SIPs are finalized. MDEQ is actively working towards regional haze SIP development and is planning to submit a regional haze SIP Revision by December 17, 2007.

I. Manner By Which the Public May Comment.

Copies of the proposed amendments to the referenced regulations may be obtained by calling Ms. Maya Rao at 601-961-5242 or Mr. Connie Simmons at 601-961-5165 or writing to Mississippi Department of Environmental Quality, Air Division, 101 West Capitol Street, Jackson, Mississippi 39201. For those with internet access, a copy of the proposed SIP revision and amendments to the referenced regulations may be found on the Mississippi Department of Environmental Quality's website at <http://www.deq.state.ms.us>. Also, copies of the proposed SIP Revision and proposed amendments to the referenced regulations will be available for public review through Tuesday, July 17, 2007, in the main branch of public libraries in the cities of Gulfport, Jackson, and Tupelo in the State of Mississippi. The proposed SIP Revision and amendments to the referenced regulations may also be reviewed in the offices of the Mississippi Department of Environmental Quality, Southport Center, 2380 Highway 80 West, Jackson, Mississippi. For an appointment to review the proposed SIP Revision and the proposed regulation amendments at the offices of MDEQ, contact Mr. Ted Lampton at (601) 961-5373.

Members of the public may present verbal or written comments at the public hearing described below. Also, written statements regarding the proposed SIP Revision and proposed

regulation amendments will be made part of the public hearing record if delivered by 5:00 p.m., Tuesday, July 17, 2007, to the attention of Ms. Maya Rao at the address shown above.

II. Notice of Public Hearing.

A public hearing regarding the proposed SIP Revision and regulation amendments will be conducted. The hearing will be held on Tuesday, July 17, 2007, at 10:00 a.m. in the Air Division Training/Meeting Room (Room 3-660) of the Mississippi Department of Environmental Quality Office Building at 101 Capitol Centre, 101 West Capitol Street, Jackson, Mississippi.

III. Additional Information.

For additional information, please contact Ms. Maya Rao at 601-961-5242 or Mr. Connie Simmons at 601-961-5165.

**MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY**

**"REGULATIONS FOR THE PREVENTION OF SIGNIFICANT DETERIORATION OF  
AIR QUALITY"**

**APC-S-5**

**Proposed Amendments**

**Public Notice Start Date: June 15, 2007**

**Public Hearing Date: July 17, 2007**

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY  
REGULATIONS FOR THE PREVENTION OF SIGNIFICANT DETERIORATION  
OF AIR QUALITY

APC-S-5

Adopted June 28, 1990  
Amended April 25, 1991  
Amended December 9, 1993  
Amended August 22, 1996  
Amended July 28, 2005  
Proposed Amendments June 15, 2007  
Public Hearing Date: July 17, 2007

1. The purpose of this regulation is to implement a program for the prevention of significant deterioration of air quality as required by 40 CFR 51.166. This regulation supercedes and replaces the previous adoption by reference of 40 CFR 52.21 and 40 CFR 51.166. 40 CFR 52.21 and 51.166 as used in this regulation refer to the federal regulations as amended and promulgated by ~~July 1, 2004~~June 15, 2007, except as provided in 2. below. CFR refers to the "Code of Federal Regulations."
2. Other than the subsections and phrases listed below and except for the changes set forth in Section 3. of this regulation, the provisions of 40 CFR 52.21 as amended and promulgated by June 5, 2007, are incorporated herein and adopted by reference by the Mississippi Commission on Environmental Quality as official regulations of the State of Mississippi and shall hereafter be enforceable as such. The following subsection and phrases of 40 CFR 52.21 are excluded from this regulation:
  - 2.1 (a)[Plan disapproval],
  - 2.2 (q)[Public Participation],
  - 2.3 (s)[Environmental Impact Statement],
  - 2.4 (u)[Delegation of authority],
  - 2.5 (x)[Clean Unit Test],
  - 2.6 (y)[Clean Unit Provisions],
  - 2.7 (z)[PCP exclusion procedural requirements],
  - 2.8 (cc)[Routine maintenance, repair, and replacement], and



- 2.9 The phrase "in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase" in paragraph (r)(6) of (r)[Source obligation].
3. The term "Administrator" as it appears in 40 CFR 52.21 shall mean the Mississippi Environmental Quality Permit Board, except that:
  - 3.1 In subparagraph (b)(3)(iii) [relating to "net emissions increase"], it shall mean either the Mississippi Environmental Quality Permit Board or the Administrator of the United States Environmental Protection Agency (USEPA).
  - 3.2 In the following subsections, it shall continue to mean the Administrator of the USEPA:
    - a. (b)(17) [definition of "federally enforceable"];
    - b. paragraph b(37)(i);
    - c. paragraph b(43);
    - d. paragraph b(48)(ii)(c);
    - e. paragraph b(50)(i);
    - f. paragraph b(51);
    - g. (g)(1)-(g)(6) [Redesignation];
    - h. (l)(2) [Air quality models];
    - i. (p)(2) [concerning Federal Land Manager];
    - j. (t) [Disputed permits or redesignations].
4. Subsections 40 CFR 51.166(f) Exclusions from Increment Consumption (excluding the phrase "The plan may provide that...") and 40 CFR 51.166(q) "Public Participation" (excluding the phrase "The plan shall provide that.") are incorporated herein and adopted by reference, except for the changes set forth below:
  - 4.1 The phrases "the plan provides that" and "it shall also provide that" are excluded from paragraph 40 CFR 51.166(f)(2),
  - 4.2 The term "Administrator" as it appears in subparagraphs (f)(l)(v),(f)(4),and(q)(2)(iv) shall continue to mean the Administrator of the USEPA,

- 4.3 The phrase "specified time period" in subparagraph (q)(1) shall mean thirty (30) days,
  - 4.4 The phrase "reviewing authority" shall mean Mississippi Department of Environmental Quality, and
  - 4.5 The words "one year" in subparagraph (q)(2) shall be replaced by the words "one hundred and fifty (150) days."
- 5. The Executive Director of the Mississippi Department of Environmental Quality shall transmit to the Administrator of the USEPA a copy of each permit application filed under this regulation and shall notify the Administrator of the USEPA of each significant action the Executive Director takes on the application.
  - 6. This regulation applies to any stationary source or modification to which 40 CFR 52.21 applied as of the date of adoption of this regulation, but for which the Mississippi Environmental Quality Permit Board had not issued a permit pursuant to 40 CFR 52.21 by that date.